



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

June 27, 2012
Agenda Item 1

SUBJECT: Vin Goat Minor Use Permit - (PA2012-051)
3326 E. Coast Highway
▪ Minor Use Permit No. UP2012-007

APPLICANT: John Bennett dba Vin Goat

PLANNER: Benjamin M. Zdeba, Planning Technician
(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** CC (Commercial Corridor)
- **General Plan:** CC (Corridor Commercial)

PROJECT SUMMARY

A minor use permit to allow the establishment of a Type 20 (Off-Sale Beer and Wine) and a conditional Type 42 (On-Sale Beer and Wine for Public Premises) Alcoholic Beverage Control (ABC) license for an existing retail artisan cheese and specialty fine food retail store. The conditional Type 42 license will allow the addition of tasting and pairing classes as an accessory use.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Minor Use Permit No. UP2012-007 (Attachment No. ZA 1).

DISCUSSION

- The applicant currently operates a 1,200 square-foot retail store selling artisan cheese and specialty fine food. "Retail Sales" is a permitted use within the CC (Commercial Corridor) Zoning District. The current hours of operation are from

10:00 a.m. to 6:00 p.m., Monday through Saturday, and from 11:00 a.m. to 4:00 p.m. on Sunday.

- The applicant proposes an off-sale beer and wine component to the existing operation in order to complement the specialty packaged food sales.
- In conjunction with this license, the applicant is pursuing a conditional Type 42 (On-Sale Beer and Wine for Public Premises) ABC license to allow instructional tasting and pairing classes after store hours between the hours of 6:00 p.m. and 9:00 p.m. within a 312 square-foot preparation area located in the rear half of the tenant space.
- Although a Type 42 ABC license is listed within the Zoning Code as a license type commonly issued to a bar establishment, the license will be restricted by the California ABC with a condition that limits pours of beer and wine to a maximum volume of two ounces.
- Due to the strict limitation on pours, the limited hours of operation, and the conditions of approval placed on the application, the issuance of a restricted Type 42 ABC license to conduct tasting and pairing classes is seen as an accessory use to the existing retail store.
- Parking for the existing multi-tenant commercial building is located on a separate parcel to the north of the property.
- The principal use of the structure will remain an artisan cheese and specialty fine food retail store and the accessory on-sale beer and wine component (tasting and pairing classes) will not intensify the use; therefore, there is no need for an increase in required parking.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the addition of beer and wine sales (accessory use) to an existing retail store. Therefore, the use qualifies for a categorical exemption under Class 1.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:



Benjamin M. Zdeba
Planning Technician

GR/bmz

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Applicant's Description and Justification
	ZA 4	Police Department Memo
	ZA 5	Site Plan and Floor Plan

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-DRAFT

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-007 TO ADD OFF-SALE AND ON-SALE BEER AND WINE FOR THE PURPOSE OF CONDUCTING TASTING AND/OR PAIRING CLASSES IN A RETAIL STORE LOCATED AT 3326 EAST COAST HIGHWAY (PA2012-051)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Bennett dba Vin Goat with respect to property located at 3326 East Coast Highway, and legally described as Tract Number 323, Block S, Lots 1, 2, 3, and 4 requesting approval of a Minor Use Permit.
2. The applicant proposes beer and wine retail sales and tasting and/or pairing classes, in conjunction with the existing retail store specializing in artisan cheeses. The request includes the establishment of a Type 20 (Off-Sale Beer and Wine) and a Type 42 (On-Sale Beer and Wine for Public Premises) Alcoholic Beverage Control (ABC) license.
3. The subject property is located within the CC (Commercial Corridor) Zoning District and the General Plan Land Use Element category is CC (Corridor Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on June 27, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the addition of beer and wine sales (accessory use) to an existing retail store. Therefore, the use qualifies for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code).*

Facts in Support of Finding

1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The addition of beer and wine is intended for the convenience of patrons wishing to partake in tasting and/or pairing classes taking place within the retail tenant space. Operational conditions of approval recommended by the Police Department relative to the service of beer and wine will ensure compatibility with the surrounding uses and minimize related impacts.
2. Due to the high concentration of commercial land uses, the calls for service, number of arrests, and crime rate are greater than adjacent residential Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.
3. The proposed use is not located in close proximity to day care centers, park and recreation facilities, places of religious assembly, and schools; however, it is abutting a residential zoning district. The addition of a conditional Type 42 license, coupled with the limited hours of operation, is not considered or anticipated to be detrimental to the neighboring residential properties. In accordance with the Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal, the Police Department has reviewed the minor use permit application and has added conditions to ensure that the design and security of the tasting/preparation areas within the existing retail store are properly addressed.
4. The provision of off-sale beer and wine in conjunction with beer and wine tasting and/or pairing classes to the designated area within the tenant space will not substantially change the operational characteristics. The use authorized by this permit is not a bar, tavern, cocktail lounge, nightclub or an establishment where live entertainment or dancing is provided. The City has experienced land use conflicts, nuisance issues, and issues requiring police intervention with these types of activities in the past. Prohibition of these uses or activities will minimize potential land use conflicts, nuisances and police intervention.
5. The retail store is located within a highly-traveled commercial area that is occupied by a mixture of retail, service, and eating and drinking establishments.
6. There are two comparable establishments on Coast Highway which provide wine tasting as an amenity to patrons. The beer and wine licenses requested are the same as those obtained for said establishments and there is no evidence suggesting these uses have been detrimental to the neighborhood.

7. The retail store and preparation area are permitted in the CC (Commercial Corridor) Zoning District. The off-sale and on-site consumption of beer and wine provides a public convenience by allowing the tasting of beer and wine for sale in addition to specialty food items offered for sale.

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding

- B. The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding

1. The property is designated Corridor Commercial (CC) by the Land Use Element of the General Plan. The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The retail store use and accessory tasting is consistent with that designation.
2. The subject property is not part of a specific plan area.

Finding

- C. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

Facts in Support of Finding

1. The retail sales use is consistent with the Commercial Corridor (CC) Zoning District, which is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The addition of off-sale beer and wine sales and on-site tastings is accessory to the retail sales use. The beer and wine service is allowed upon the approval of a minor use permit by the Zoning Administrator.
2. The proposed off-sale beer and wine sales and associated tasting and/or pairing classes are considered accessory to the retail use and are not considered an intensification of use; therefore, there is no change in the parking requirement.
3. The proposed conditions of approval ensure that potential conflicts with surrounding land uses are minimized to the greatest extent possible or eliminated.

Finding

- D. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding

1. As conditioned, the tasting and/or pairing classes will be restricted to the hours after the retail store closes and will cease at 10:00 p.m., daily.
2. Although there are nearby residential properties, the operational conditions of approval recommended by the Police Department relative to the sale of beer and wine will ensure compatibility with the surrounding uses and minimize related impacts. The project has been conditioned to ensure the welfare of the surrounding community so that the business remains a market with accessory dining and does not become a bar or tavern. The project has been conditioned so that no dancing or live entertainment will be permitted on the premises.
3. The retail store is required to comply with the California Building Code and requirements of the Alcoholic Beverage Control Department to ensure the safety and welfare of customers and employees within the market.

Finding

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding

1. The project site is located within an existing multi-tenant commercial building.
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure.
3. The tenant improvement for a change of occupancy for the existing retail store and related preparation area was reviewed for compliance with all Building, Public Works, and Fire Codes in February of 2011.
4. All ordinances of the City and all conditions of approval will be complied with.

Finding

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard*

to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding

1. The project has been reviewed and subjected to conditions of approval including limited hours of operation to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute nuisance areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the retail store.
2. As conditioned, the owners, managers and employees selling beer and wine shall undergo and successfully complete a certified training program in responsible methods and skills for selling beer and wine.
3. The addition of off-sale and on-sale beer and wine for the purpose of conducting tasting classes is accessory to the retail sales and is not considered an intensification of use and will not be detrimental to the neighborhood.
4. As conditioned, the hours of operation from 6:00 p.m. to 10:00 p.m., Monday through Saturday and from 4:00 p.m. to 10:00 p.m. on Sunday will preclude nuisances to the nearby residential properties. Although the applicant indicated 9:00 p.m. in his request, staff determined 10:00 p.m. would not be detrimental and would allow greater flexibility.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-007, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF JUNE, 2012.

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan and floor plan dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. This minor use permit may be modified or revoked by the Zoning Administrator upon a finding of failure to comply with the conditions set forth in Chapter 20.52 of the Municipal Code, other applicable conditions and regulations governing beer and wine service, or should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans as they relate to beer and wine sales, shall require an amendment to this minor use permit or the processing of a new use permit.
4. Minor Use Permit No. UP2012-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Zoning Code, unless an extension is otherwise granted.
5. Should the beer and wine license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company. Future licensees, operators or assignees shall submit, within 30 days of transfer of the beer and wine license, a letter to the Planning Division acknowledging their receipt and acceptance of the limitations, restrictions and conditions of approval of this minor use permit.
6. The tasting area shall be accessible to disabled persons including work table number 8.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this minor use permit.
9. The types of beer and wine license issued by the California Board of Alcoholic Beverage Control shall be a Type 20 (Off-sale Beer and Wine) and a Type 42 (On-Sale Beer and Wine for Public Premises) in conjunction with the principal retail use.

10. The pairing and/or tasting classes shall only be conducted and on-sale beer and wine shall only be served upon the retail store closing to those who are not patrons of the tasting and/or pairing classes. The hours of operation for said classes shall be limited to between the hours of 6:00 p.m. and 10:00 p.m., Monday through Saturday and between the hours of 4:00 p.m. and 10:00 p.m., Sunday. Any increase in the hours of tasting and/or pairing classes shall be subject to the approval of an amendment to this minor use permit and may be subject to approval by the Zoning Administrator.
11. Individual servings of alcoholic beverages shall not exceed two ounces per glass or container. This condition shall not be construed as to prohibit a patron from sampling more than one glass and/or container of an alcoholic beverage for the purpose of comparative tasting(s).
12. The beer and wine sales for the purpose of on-site tasting classes shall be limited to the designated tasting area indicated on the floor plan submitted with the application. Any change in the operation of on-sale beer and wine sales or increase in the tasting area devoted to beer and wine sales for customers shall be subject to the approval of an amendment to this minor use permit issued by the Zoning Administrator.
13. No exterior amplified music, public address speakers, outside paging system, loudspeaker, sound system, or other noise generating device shall be utilized.
14. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the beer and wine outlet and adjacent properties during business hours, if directly related to the patrons of the subject beer and wine outlet. If the operator fails to discourage or correct nuisances, the Zoning Administrator may review, modify, or revoke this minor use permit in accordance with Chapter 20.96 of the Zoning Code.
15. The area outside of the retail store shall be maintained in a clean and orderly manner. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises. The operator of the use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
16. All trash shall be stored within dumpsters behind the retail building.
17. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Vin Goat Minor Use Permit including, but not limited to, Minor Use Permit No. UP2012-007

(PA2012-051). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

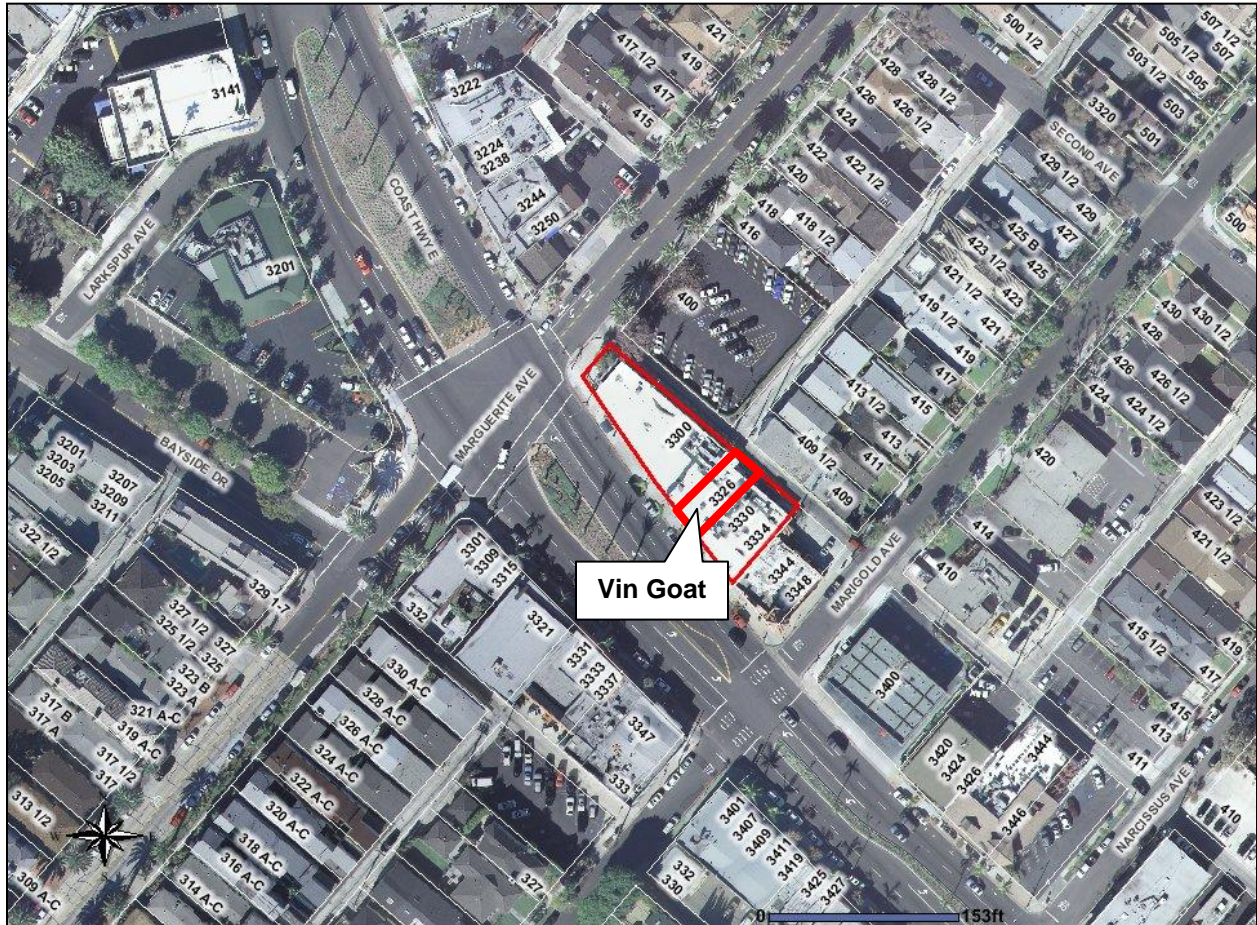
Police Department Conditions

18. This approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.
19. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
20. The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
21. There shall be no dancing and/or live entertainment allowed on the premises.
22. All owners, managers, and employees selling beer and wine shall undergo and successfully complete a certified training program in responsible methods and skills for selling beer and wine. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The movie theater shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
23. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of beer and wine, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2012-007
PA2012-051

3326 E. Coast Highway

Attachment No. ZA 3

Applicant's Description and Justification

Vin Goat
3326 East Coast Highway, Corona del Mar, CA

Minor Use Permit Application

Project Description

Vin Goat has successfully operated an artisan cheese & specialty fine food retail shop in Corona del Mar for the past year. The majority of our business is artisan cheese from around the world, as well as gourmet foods for pairing. Gourmet foods include: fresh bread, charcuterie, olives, mustards, vinegars/oils, jams/honeys, chocolate, and teas. Many of our CdM customers have been repeatedly asking us to offer specialty wines & craft brew to pair with the cheese & food products, and to also offer small classes/events (ex: cheese/wine pairing). As a customer-driven shop that's committed to strong CdM community engagement, we are very grateful for the outstanding customer responses and would like to accommodate those requests. Further, the addition of alcohol will contribute to our sales goals and positively benefit our longer term business success.

My request is to add specialty wines & craft brew to the existing retail store for:

- (1) retail sales during regular business hours to compliment cheese & gourmet product sales (ABC Type 20 license)
- (2) small tastings to enable periodic small classes and events after regular business hours (ABC Type 42 license)

Additional details:

- Regular hours: Tuesday – Saturday, approx. 10 AM – 6 PM; Sunday 11 AM – 4 PM. Type 20 wine/beer retail sales added to existing business.
- After-hours: evenings, approx. 6 – 9 PM to conduct periodic small classes/events (ex: cheese & wine pairing class), some of which may utilize Type 42
- Parking lot used by 4 tenants: Vin Goat, BOA, UPS, and Le Petit Bateau
 - Vin Goat has 6 dedicated spaces; 3 UPS; 5 Petit Bateau; 17 BOA
 - Evenings, Saturday afternoons, and Sundays the bank is closed and BOA's 17 spaces may be used by the other 3 tenants.
 - Additionally more than adequate parking is available in the public lot across Coast Hwy, as well as good street parking on Coast Hwy.
 - For Type 20 license, Vin Goat's parking needs will not change, as we are not a liquor store and will not increase customers solely for wine purchases. Existing customers already coming into store for cheese/gourmet product purchases may add wine on top of their regular acquisitions.
 - Vin Goat will use Type 42 for small classes/events after regular business hours, during evenings approx. 6 – 9:00 pm. At this time the bank will be closed and nearly an entire parking lot will be available.
- No live entertainment, no dancing
- Not a bar or wine bar, not a liquor store, no late hours

- Employees: 1 full-time, 1 or 2 part-time
- Space: 1,200 SQ FT
- General customer area approx. 368 SQ FT; includes gourmet food products & wine/craft brew
- Wine/craft brew displayed along one wall in customer area, dimensions 13' W x 7' H x 1.5' D
- Tasting area approx. 312 SQ FT gross
- Zoning: Commercial Corridor

Attachment No. ZA 4

Police Department Memo

**City of Newport Beach
Police Department**

M e m o r a n d u m

May 23rd, 2012

TO: Benjamin M. Zdeba, Planning Technician

FROM: Detective Mario Montero

SUBJECT: Vin Goat, 3326 E. Coast Hwy, Corona Del Mar
Use Permit No. UP2012-007 (PA2012-051).

At your request, the Police Department has reviewed the project application for *Vin Goat*, located at 3326 E. Coast Highway, Corona Del Mar. The applicant is requesting a minor use permit which would provide for alcohol sales and consumption of alcoholic beverages on the premises. The applicant is specifically requesting a Type 20 license (Off-Sale Beer and Wine) and a Type 42 license (On-Sale Beer and Wine for Public Premises). Vin Goat is retail food shop specializing in artisan cheeses and other specialty gourmet food items. The regular hours of operation are Tuesday-Saturday 10:00 am to 6:00 pm and Sundays 11:00 am to 4:00 pm. The applicant would also offer periodic wine tastings and classes (for cheese and wine pairings) after hours from 6:00 pm to 9:00 pm. The wine tasting/classes in the establishment would occur in an approximately 312 square foot area within the 1,200 square foot business. As proposed the establishment would not operate as a bar or liquor store and would not provide any live entertainment or dancing.

I have included a report by Senior Crime Analyst Caroline Staub that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that the location is within a reporting district where reported crimes are 117% *higher* than the city's overall average. Additionally, this location is also within a reporting district that is over the Orange County per capita of ABC licenses.

Applicant History

The establishment is a retail business located at 3326 E. Coast Highway, Census Tract 0627.02, known as Vin Goat. The business is operated under Four Culinary Group, Inc. headed by John Bennett. Bennett does not operate any other business establishments of this kind. Vin Goat opened its doors for business in May 2011. Bennett is seeking to enhance the business by offering wine for sale to compliment the gourmet foods and cheeses currently sold.

Recommendations

The Police Department has no objection to the operation as described by the applicant.

Signs and Displays

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

Hours of Operation

The current hours of operation are from 10:00 am – 6:00 pm Tuesday through Saturday and 11:00 am – 4:00 pm Sundays. On-site wine and cheese pairing/ tasting classes would be offered from 6:00 pm to 9:00 pm on days to be determined by the operator.

Security

The Police Department has no recommendations.

Employee Training

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

Other Recommended Conditions

To maintain quality of life for area residents and ensure the location remains a Bona-fide retail sales establishment, the Police Department has determined that the following conditions would be appropriate for the Minor Use Permit for the business:

1. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed. There shall be no alcoholic beverage sales after 9:00 p.m.
2. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
3. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business.

These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

4. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
5. There shall be no live entertainment allowed on the premises.
6. There shall be no dancing allowed on the premises.
7. Strict adherence to maximum occupancy limits is required.
8. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective Mario Montero at (949) 644-3706.



Mario Montero, ABC/Vice/Intelligence
Detective Division



Dale Johnson, Captain
Detective Division Commander



NEWPORT BEACH POLICE DEPARTMENT

870 Santa Barbara, P.O. Box 7000, Newport Beach, CA 92658-7000

MEMORANDUM

May 9, 2012

TO: Benjamin M. Zdeba, Planning Technician

FROM: Caroline Staub, Senior Crime Analyst

SUBJECT: Alcohol Related Statistics

At your request, our office has reviewed police services data for the Vin Goat retail shop at 3326 E. Coast Highway. This area encompasses our reporting district (RD) number 44 as well as part of Census Tract 627.02. This report reflects City of Newport Beach crime data for calendar year 2011, which is the most current data available.

Calls for Service Information

City wide there were approximately 65,411 calls for police services during this time, of which 3,926 were in RD 44. A "call for service" is defined as *any citizen contact of the police department which results in the dispatching of a unit or causes the contacted employee to take some sort of action*, such as criminal investigations, alarm responses, traffic accidents, parking problems, animal control calls, etc.

Crime Information

There were 5,751 crimes reported to the Newport Beach Police Department during this period. Of this total, 2,408 were Part One Crimes. Part One crimes are the eight most serious crimes (*Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Auto Theft and Arson*) as defined by the FBI in the Uniform Crime Reports. The remaining 3,343 reports were Part Two crimes. The Part One crime rate for the entire city during this same period was 2,820.46 per 100,000 people. The national Part One crime rate was 3,345.52¹ per 100,000 people.

Crimes	RD 44	Newport Beach ²	California ¹	National ¹
Part 1	121	2,408	1,146,072	10,329,135
Part 2	209	3,343	N/A	N/A
Crime Rate	5,384.95	2,820.46	3,076.38	3345.52

This reporting district had a total of 330 reported crimes as compared to a city-wide reporting district average of 152 reported crimes. This reporting district is **178 crimes over** or **117% above** the city-wide reporting district average.

¹ Figures based on the 2010 Uniform Crime Reports, which is the most recent edition.

² The Newport Beach population figure used for calculations is 85,376, as estimated by the CA Department of Finance.

ABC License Information

The number of active ABC licenses in RD 44 is 26, which equals a per capita ratio of one license for every 86 residents. This location is within an RD that is over the Orange County per capita average of ABC licenses.³

Arrest Information

In 2011, there were 29 DUI and 47 Public Drunkenness arrests in RD 44 compared to 643 DUI and 661 Public Drunkenness arrests for the entire city. This RD amounts to 4.51% of the DUI arrests and 7.11% of the Drunkenness arrests made in the entire City. According to a recent national study by the Department of Justice, more than 36% of adult offenders convicted of crimes in 2009 had been drinking at the time of their arrest.

Arrests	RD 44	Newport Beach	California ¹	National ¹
DUI	29	643	195,276	1,412,223
Public Drunkenness	47	661	105,388	560,718
Total Arrests	185	3,198	1,357,573	13,120,947


Additional Information

The Alcoholic Beverage Outlets ordinance states that the Planning Commission shall consider the crime rate in the adjacent reporting districts. The three adjacent reporting districts requested are RD 43, and RD 45.

Measure	RD 43	RD 45
Part 1 Crimes	23	25
Part 2 Crimes	25	20
Crime Rate	979.08	1,112.59
DUI Arrests	5	6
Drunkenness Arrests	1	3
Total Arrests	20	11
Calls For Service	605	378
Active ABC Licenses	4	3
Per capita license ratio	561	749

If you are in need of any further assistance, please feel free to contact me.

Sincerely,



Caroline Staub
Senior Crime Analyst
Newport Beach Police Department
(949) 644-3791
cstaub@nbpd.org

³ The number of active ABC licenses is the total of all types of licenses known to the police department as of the date of this document. As of June 30, 2011 the Orange County average of active, retail ABC licenses was one license for every 518 residents. (5,839 licenses and a population of 3,018,963)

Attachment No. ZA 5

Site Plan and Floor Plan

PARKING NOTES

WHEN MORE THAN ONE ACCESSIBLE PARKING SPACE IS PROVIDED, IN LIEU OF PROVIDING A 14' WIDE SPACE FOR EACH PARKING SPACE, TWO SPACES CAN BE PROVIDED WITHIN A 25' WIDE AREA LINED TO PROVIDE A 4' PARKING AREA ON EACH SIDE OF A 5' LOADING AND UNLOADING ACCESSIBLE IN THE CENTER. SEC 124B.3 FIG 11B-18A, B & C.

THE MINIMUM LENGTH OF AN ACCESSIBLE PARKING SPACE SHALL BE 18'. SEC 124B.3 FIG 11B-18A, B & C.

SURFACE SLOPES OF ACCESSIBLE PARKING SPACES SHALL BE THE MINIMUM POSSIBLE AND SHALL NOT EXCEED 1 UNIT VERTICAL TO 50 UNITS HORIZONTAL IN ANY DIRECTION. SEC 124B.3.

EACH PARKING SPACE RESERVED FOR PERSONS WITH DISABILITIES SHALL BE IDENTIFIED BY A REFLECTORIZED SIGN PERMANENTLY POSTED IMMEDIATELY ADJACENT TO AND VISIBLE FROM EACH STALL OR SPACE, CONSISTING OF A PROFILE VIEW OF A WHEELCHAIR WITH OCCUPANT IN WHITE ON DARK BLUE BACKGROUND. THE SIGN SHALL NOT BE SMALLER THAN 20 SQUARE INCHES IN AREA AND, WHEN IN A PATH OF TRAVEL, SHALL BE POSTED AT A MINIMUM HEIGHT OF 60" FROM THE BOTTOM OF THE SIGN TO THE PARKING SPACE FINISHED GRADE. SEC 124B.4 FIG 11B-18A, B & C.

VAN ACCESSIBLE PARKING SPACES SHALL HAVE AN ADDITIONAL SIGN STATING "VAN ACCESSIBLE" MOUNTED BELOW THE SYMBOL OF ACCESSIBILITY. SEC 124B.4.

AN ADDITIONAL SIGN SHALL ALSO BE POSTED, IN A CONSPICUOUS PLACE, AT EACH ENTRANCE TO OFF-STREET PARKING FACILITIES, OR IMMEDIATELY ADJACENT TO AND VISIBLE FROM EACH STALL OR SPACE. THE SIGN SHALL BE NOT LESS THAN 11" BY 22" IN SIZE WITH LETTERING NOT LESS THAN 1" IN HEIGHT, WHICH CLEARLY AND CONSPICUOUSLY STATES THE FOLLOWING: SEC 124B.4.

"UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR ADA SPECIAL LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES WILL BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLES MAY BE RECLAIMED AT POLICE DEPT. OR BY TELEPHONE (714) 754-5252 (225010 CVC).

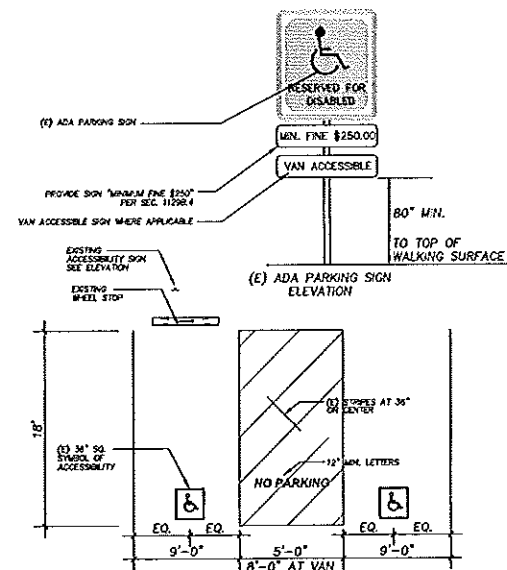
NOTE: BLANK SPACES ARE TO BE FILLED IN WITH APPROPRIATE INFORMATION AS A PERMANENT PART OF THE SIGN.

THE SURFACE OF EACH ACCESSIBLE PARKING SPACE OR STALL SHALL HAVE A SURFACE IDENTIFICATION DUPLICATING EITHER OF THE FOLLOWING SCHEMES: SEC 124B.4 FIG 11B-18A, B & C.

A. BY OUTLINING OR PAINTING THE STALL OR SPACE IN BLUE AND OUTLINING ON THE GROUND IN THE STALL OR SPACE IN WHITE OR SUITABLE CONTRASTING COLOR A PROFILE VIEW DEPICTING A WHEELCHAIR WITH OCCUPANT;

OR

B. BY OUTLINING A PROFILE VIEW OF A WHEELCHAIR WITH OCCUPANT IN WHITE ON BLUE BACKGROUND. THE PROFILE VIEW SHALL BE LOCATED SO THAT IT IS VISIBLE TO A TRAFFIC ENFORCEMENT OFFICER WHEN A VEHICLE IS PROPERLY PARKED IN THE SPACE AND SHALL BE 36" HIGH BY 36" WIDE.



HANDICAPPED PARKING

SCALE: NONE

PROJECT TEAM

DESIGNER- VALLEY DESIGN TERRY VALLES
250 W. VALENCIA AVE.
SAN CLEMENTE, CA 92612
909-576-5851

ELECTRICAL ENGINEER- JOSEPH NAGR
4111 BAYVIEW AVE.
ORANGE, CA
714-515-0712

MECHANICAL ENGINEER- DIONCO INC.
2140 GOGO PALM DR.
TUSTIN, CA
714-501-9466

TENANT- JOHN BENNETT
24862 GOLDEN VISTA
LAGUNA NIGUEL, CA 92611
(949)466-3523

LANDLORD- TIM COX
4661 PANNONIA RD.
CARLSBAD, CA 92008
(609)514-1604

HOURS OF OPERATION

Mon-Fri 10:00am - 6:00pm
Saturday 9:00am-6:00pm
Sunday 11:00am-6:00pm

GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE 2010 EDITIONS OF THE CBC, CBC, CFC, CEC, AND THE 2008 T-24 CALIFORNIA ENERGY STANDARDS.
- THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS IN THE FIELD AND NOTIFY THE ENGINEER/DESIGNER OF ANY DISCREPANCIES.
- NO EXISTING FIRE SPRINKLERS.

PROJECT DESCRIPTION

TENANT IMPROVEMENT OF TO EXISTING OFFICES AND REPLACE (E) F.A.U. SYSTEM

PROJECT INFORMATION

AREA OF WORK	1200 SQ. FT.
TOTAL BLDG. AREA	1200 SQ. FT.
OCCUPANCY	B
OCCUPANCY LOAD	12
CONSTRUCTION TYPE	V-B
STORES	1
SPRINKLERS	NO
TENANT	VIN GOAT

SHEET INDEX

NO.	DESCRIPTION
A-1	PLOT PLAN
A-2	FLOOR PLAN
A-3	DETAILS
E-1	ELECTRICAL NOTES
E-2	LIGHTING PLAN
E-3	POWER PLAN
M-1	MECHANICAL PLAN
M-1a	TITLE 24
P-1	PLUMBING PLAN



VICINITY MAP

PROJECT LOCATION
3326 E. COAST HWY.

No.	Revision/Issue
1	6-21-10

valley design
TERRY VALLES

230 W. AVENIDA VALENCIA
SAN CLEMENTE, CA
909-576-5859

SHEET TITLE
PLOT PLAN

CLIENT
VIN GOAT
3326 E. COAST HWY.
CORONA DEL MAR, CA

SCALE:
1/4" = 1'-0"

DATE:
12-9-10

DRAWN BY:
TEAM

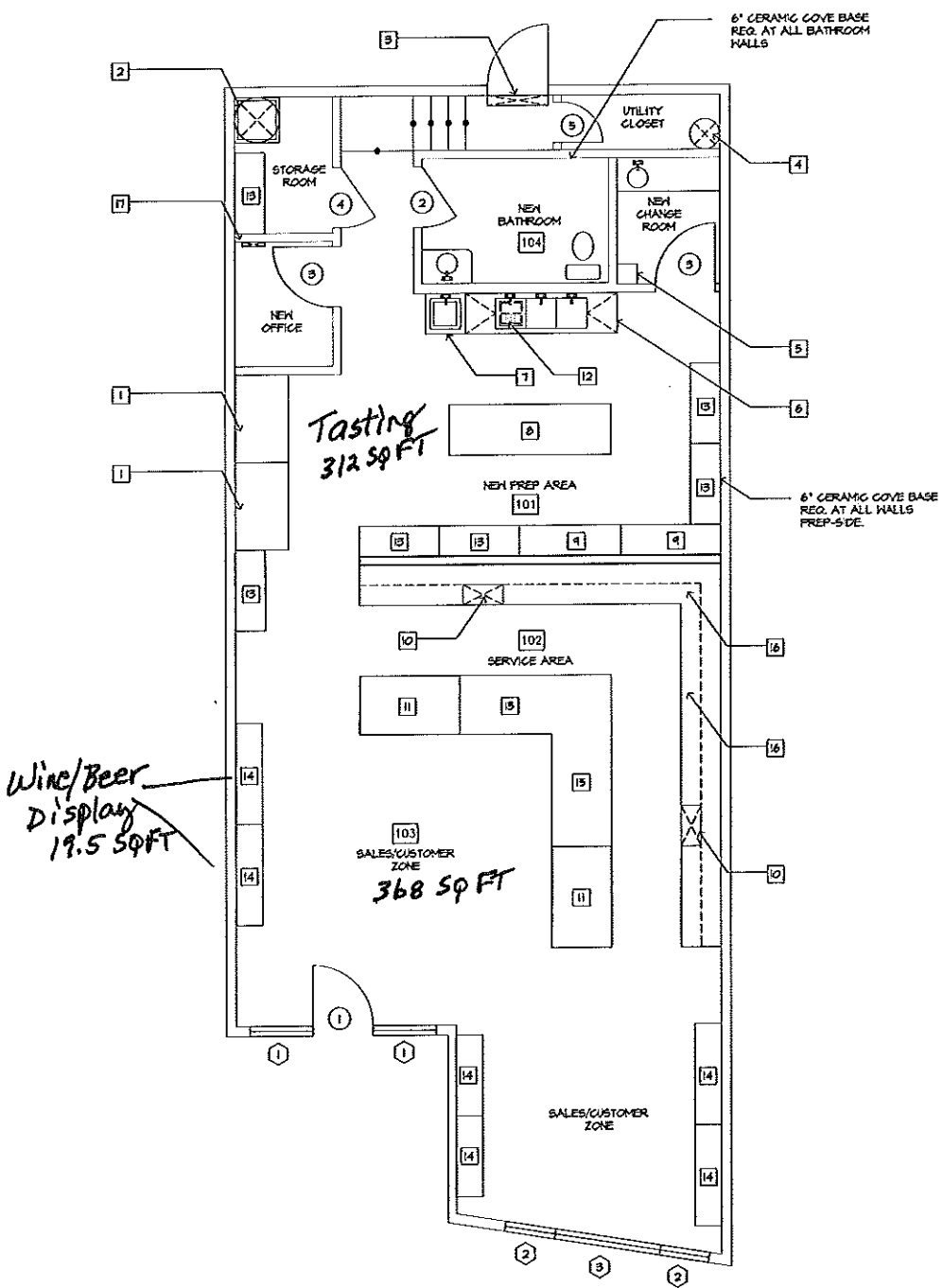
PROJECT NO:
1073

SHEET NO:
A-1 OF X



PA2012-051 for UP2012-007
3326 E. Coast Highway
John Bennett dba Vin Goat

FIXTURE AND EQUIPMENT SCHEDULE												
EQUIPMENT OR FIXTURE				ELECTRICAL						REMARKS		
ITEM	DESCRIPTION	MANUFACTURER & MODEL NUMBER	QTY.	VOLTS	H.P.	WATTS	AMPS	PHASE	CORN. HEIGHT			
PREPARATION AREA												
1	REFRIGERATOR	TRAILSEN MODEL #G20010 FULL OR EQUIV.	1	150/60			7.4	3				
2	24"X 24" MOP SINK	ZURN MODEL # Z1916-24	1									
3	AIR CURTAIN	YOSHIMASA MODEL # YMAC-36	1	230			1.0					
4	WATER HEATER	40 GAL. RHEEM 75500 BTU	1									
5	12"X12"X12" LOCKER	LOCKER BENCHES	1									
6	3 COMPARTMENT SINK	GSH SE 18130	1									
7	HAND SINK	GSH HS161555	1									
8	WORK TABLE	ADVANCE MODEL #ELAS-308	1									
9	5' (3) TIERD SHELF	METRO MODEL# A1448NS OR EQUIV.	1									
10	CASH REGISTER	SHARP	1									
11	DELI CASE	TRUE MODEL# TC68-60-S	1	115			12.7					
12	FLOOR SINK	ZURN # FD-2510 OR EQUIV.	1									
13	4' (3) TIERD SHELF	METRO MODEL# A1448NS OR EQUIV.	1									
14	DISPLAY CASES											
15	CUSTOM SERVICE COUNTER											
16	CUSTOM CABINETS											
17	(B) 200 AMP PANEL											
18												
19												
20												
21												
22												
23												
24												
25												
26												
TOILET ROOM												
27	HAND SINK- TOILET ROOM	NEW	1						18"	KOHLER- ADA COMPLIANT UNIT SELF CONTAINED DRAIN		
28	TOILET	NEW	1						16 1/2" SEAT	KOHLER- WELLNORTH - 16 1/2" ELONGATED, ADA COMPLIANT UNIT		
29	TOILET TISSUE DISPENSER	NEW	1						20" T.O. UNIT	BOBRICK- B-7686- SURFACE MOUNT AT 20" TO THE TOP		
30	TOILET SEAT DISPENSER	NEW	1						49 1/2" T.O. UNIT			
31	SOAP DISPENSER	NEW	1						50 5/8" T.O. UNIT	BOBRICK- B-301- R.O. 15 5/8" H X 11 1/4" H RECESSED AT 43 1/2" TO THE TOP OF UNIT.		
32	PAPER TOWEL AND WASTE RECEPTACLE	NEW	1						50 1/2" T.O. UNIT	BOBRICK- B-132- SURFACE MOUNT AT 50 5/8" FROM FLOOR TO TOP OF UNIT		
33	MIRROR	NEW	1						40"	BOBRICK- B-364- R.O. 12 5/8" H X 26 5/8" X 4" H. 4" MIN RECESSED DEPTH. MOUNT AT 50 1/2" TO TOP		
34	GRAB BAR	NEW	1						33" AFF	S.S. GRAB BARS WITH SNAP FLANGE		
WINDOW SCHEDULE												
SYMBOL	COMMENTS											
①	(E) 3/0 X 8/0 TEMP											
②	(N) 2/6 X 10/0 TEMP											
③	(N) 5/0 X 10/0 TEMP											
DOOR SCHEDULE												
SYMBOL	COMMENTS											
①	(E) 3/0 X 8/0 STORE FRONT DOOR TEMP GLASS											
②	(N) 3/0 X 7/0 H.C. IN (N) UNISEX RESTROOM SIGNAGE											
③	(N) 3/0 X 7/0 H.C.											
④	(E) 3/0 X 7/0 H.C.											
⑤	(E) 2/6 X 7/0 H.C.											
ROOM FINISH SCHEDULE												
Room	Room Name	Fir	Base	Walls	Ceiling	Remarks						
		Mat	Mat	Mat	Fin	Mat	Fin	HT				
101	FOOD PREP AREAS	TILE	CONC.	OWB	PT	OWB	PT		ALL GYPSUM BOARD FINISH WALLS AND C.E. TO BE SMOOTH			
102	SERVICE AREA	TILE	CONC.	OWB	PT	OWB	PT		ALL GYPSUM BOARD FINISH WALLS AND C.E. TO BE SMOOTH			
103	CUSTOMER AREA	TILE	CONC.	OWB	PT	OWB	PT		ALL GYPSUM BOARD FINISH WALLS AND C.E. TO BE SMOOTH			
104	BATHROOM	TILE	CONC.	FWP	PT	OWB	PT					
105												
106												
107												
108												
MATERIALS / FINISHES / COLORS												
VCT: BY ARMSTRONG 1-877-ARMSTRONG STYLE EXCELON COLOR DESERT BEIGE												
TILE: TO BE SELECTED												
OWB: NEW 5/8" SCREWED GYPSUM WALL BOARD												
PT: 3 COAT (PRIMER AND TWO COATS) ALKID PAINT												
PAINT SEMI GLOSS COLOR TO BE SELECTED												



WALL LEGEND
EXIST. WALL
NEW WALL

SYMBOLS / ABBREVIATIONS
GFI
EXTERIOR GROUND-FAULT INTERPRETER
VENT/FLUORESCENT LIGHT COMBO (5 AIR CHANGES PER HOUR)
FLUORESCENT SHOP LIGHT
12"X12" FLOOR SINK

No. 12-20-01

Revised/Issue

valley design

280 W. AVENIDA VALENCIA
SAN CLEMENTE, CA
909-576-5869

FLOOR PLAN

VIN GOAT
3326 E. COAST HWY.
CORONA DEL MAR, CA

SCALE: 1/4" = 1'-0"

DATE: 12-9-10

DRAWN BY: TEAM

PROJECT NO: 1073

SHEET NO: A-2 OF X